IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15561 of 2005

Between:

1 Ipplli Lakshmi Rajyam W/o. Apparao
R/o. Gudiwada Town, Gudiwada Mandal
Krishna district.
2 Majji Srinivasa Rao S/o. Kurmayya
R/o. NTR Colony Gudiwada
Krishna district.
3 Adapa Venkateswara Rao S/o. Venkata Ratnam
R.o. Gudiwada
Krishna district.

..... PETITIONERS

AND

The Mandal Revenue Officer
Mandavalli Mandal Krishna district.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the proceedings of the respondent in Rc.No.A2/197/2005,dt.21.06.2005 in respect of the lands of the petitioner in Sy.No.58/6 of an extent of Ac.1.36cents, Ac.2.07cents in Sy.Nos.58/4,58/5,63/3 and 63/4, Ac.0.83cents, Ac.0.28 cents, Ac.0.8 1/2 and Ac.0.26 1/2 cents in Sy.No.53/2B,58/3,63/2A,44/2 and of an extent of Ac.2.04cents in Sy.No.130 situated at Unikili Village, Mandavalli Mandal, Krishna District under A.P Assigned Lands (Prohibition of Transfer) Act, 9 of 1977 as without jurisdiction illegal, arbitrary and consequently set aside the same, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Against Form-I notice dated 21.06.2005, issued by the respondent under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, this writ petition is filed, stating that the petitioners are the owners and possessors of their respective lands as mentioned in the writ petition, and they purchased the same under different Registered Sale deeds from their respective vendors and since the date of their purchase, they have been in peaceful possession and enjoyment of their respective lands by converting them into fish tanks. It is further stated that they applied for grant of Pattadar Pass Books and title deeds under A.P. Record of Rights in Land & Pattadar Pass Book Act, 1971, and after conducting a detailed enquiry, the revenue authorities have issued pattadar pass books and title deeds to the petitioners. But surprisingly, without giving any notice, the respondent has issued the impugned notice stating that the petitioners are in occupation of assigned lands and show cause as to why they should not be evicted from the lands in question. The petitioners gave a reply to the said notice on 04.07.2005 and it is pending consideration before the respondent. The petitioners filed this writ petition with an apprehension that the respondent will take steps for their dispossession from the lands in question.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Admittedly the petitioners have given a reply to the impugned notice and it is pending consideration before the respondent and the respondent has to pass appropriate orders thereon in accordance with law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondent to consider the representation of the petitioners dated 04.07.2005 and pass appropriate orders

thereon, in accordance with law, within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

_____

ELIPE DHARMA RAO,J

Dated: 19.07.2005

Dsr

To:

1. The Mandal Revenue Officer,

Mandavali Mandal, Krishna District

2. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies

*Form-NIC-OGS/WP{**CHP**}*